

REMARKS

Reconsideration and allowance are respectfully requested. Claims 1, 2, 4, 6, 8-12, 15, 25, 26, 31, 33-37 have been amended. Claims 7, 29, 32, 36-37 have been canceled. Claims 1-6, 8-28, 31, and 33-35, and 38-39 are pending.

The specification stands objected to as failing to provide proper antecedent basis for claimed subject matter. In lieu of amending the specification, the claims have been amended to address the objection. In particular, the term “fuel tube assembly” has been changed to “tube assembly” to be consistent with the specification. Claims 7 and 32 have been canceled. Claims 12 and 37 have been amended to remove the objection.

Regarding the objection to the disclosure, the specification has been amended to recite a “fuel or valve group subassembly”.

The objection to claim 31 has been corrected above.

Claims 1-39 stand rejected under 35 U.S.C. 112, first paragraph as containing new matter. Claims 1, 6 and 15 have been amended to remove the language the Examiner considers to be new matter.

Regarding claim 25, it is now clear what items are fixedly connected.

Claims 1-8, 13-33 and 38-39 stand rejected under 35 U.S.C. 102(e) as being anticipated Dallmeyer. The independent claims have been amended to define the invention more clearly and thus, obviate the rejection. In particular, the claims recite an inlet tube, with a filtering portion of a filter assembly being disposed in the inlet tube and a retaining portion of the filter assembly being disposed at an end of the inlet tube and being constructed and arranged to retain a seal member for sealing the fuel injector to a fuel source. Support for this amendment can be found at page 5, second full paragraph.

The filter assembly 282 of Dallmeyer is entirely internal of the inlet tube 210. It is the end of the inlet tube 210 of Dallmeyer that is constructed and arranged to retain the sealing O-ring, not the retaining portion of the filter assembly as claimed. Thus, the rejection should be withdrawn.

Claims 9-12 and 34-37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Dallmeyer in view of Simandi. Dallmeyer should be removed as prior art

due to common ownership. Please see the attached Statement Of Common Ownership. Thus, the rejection should be withdrawn.

Regarding double patenting, claims 2 and 4 have been amended to depend from claim 1 (as originally claimed). Claim 29, 36 and 37 have been canceled.

All objections and rejections having been addressed, it is respectfully submitted that this application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'E. Stemberger', written in a cursive style.

Edward J. Stemberger
Reg. No. 36,017
Tel. No.: (202) 261-1014
Fax. No.: (202) 887-0336

January 20, 2011

Customer No. 79912

STATEMENT OF COMMON OWNERSHIP

At the time the invention was made, the two applications were owned or subject to an obligation of assignment to Siemens Automotive Corporation. In particular, the application for USP 6,499,668 to Dallmeyer et al. was owned or under obligation of assignment to Siemens Automotive Corporation (see Reel/Frame 011702/0666) and the subject application 09/820,887 was owned or under obligation of assignment to Siemens Automotive Corporation (see Reel/Frame 011922/0360).